

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

IN RE MENTOR OBTAPE	*	MDL Docket No. 2004
		4:08-MD-2004 (CDL)
TRANSOBTURATOR SLING PRODUCTS	*	
		CASE NO. 4:13-CV-233 (Remphrey)
LIABILITY LITIGATION	*	

O R D E R

Presently pending before the Court is Defendant Mentor Worldwide LLC's Motion for Suggestion of Remand to the United States District Court for the District of Minnesota (ECF No. 38 in 4:13-cv-233). As discussed below, the motion is granted.

Plaintiff Donna Remphrey alleged in her Complaint that she sustained injuries caused by Mentor's suburethral sling product, ObTape Transobturator Tape, which is at issue in this multidistrict litigation proceeding. Compl. ¶¶ 13-17, ECF No. 1 in 4:13-cv-233 (alleging injuries caused by "Mentor ObTape transobturator sling"). The Judicial Panel on Multidistrict Litigation transferred Remphrey's case to this Court. See Conditional Transfer Order No. 75, ECF No. 7 in 4:13-cv-233.

During discovery, however, the parties learned that Remphrey was not implanted with ObTape but with a different suburethral sling. Given that this case does not involve ObTape, it does not "involve questions of fact that are common to the actions" that are part of this multidistrict litigation

proceeding. Conditional Transfer Order No. 75. Therefore, the Court grants Mentor's request for a suggestion of remand so that the Judicial Panel on Multidistrict Litigation may enter an order transferring this case back to the transferor court, the United States District Court for the District of Minnesota.

IT IS SO ORDERED, this 25th day of September, 2015.

S/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA